

Australia

**Energy Coordination (Gas Tariffs) Regulations
2000**

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Energy Coordination (Gas Tariffs) Regulations 2000

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Western Australia

Energy Coordination Act 1994

Energy Coordination (Gas Tariffs) Regulations 2000

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Energy Coordination (Gas Tariffs) Regulations 2000*.

2. Commencement

These regulations come into operation on the relevant day as defined in section 25(3) of the *Gas Corporation (Business Disposal) Act 1999*.

3. Areas to which regulations apply

These regulations apply to the supply of gas in —

- (a) the Mid-West/South-West area;
- (b) the Albany area; or
- (c) the Kalgoorlie-Boulder area.

4. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “Albany area”** means the supply area or parts of a supply area to which a distribution licence —
- (a) granted to the Gas Corporation; and

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- (b) applying to land any of which is in the local government district of Albany,
applied when it was first granted;

“capped tariff” has the same meaning as in regulation 5;

“dwelling” means a house, flat, home unit or other place of residence;

“Kalgoorlie-Boulder area” means the supply area or parts of a supply area to which a distribution licence —

- (a) granted to the Gas Corporation; and
- (b) applying to land any of which is in the local government district of Kalgoorlie-Boulder,
applied when it was first granted;

“Mid-West/South-West area” means the supply areas or parts of a supply area to which any of the distribution licences of the Gas Corporation, other than a licence referred to in the definition of “Albany area” or “Kalgoorlie-Boulder area” applied when first granted;

“supplier” means a person who supplies gas;

“supply” has the meaning given by paragraph (b) of the definition of “supply” in section 3 of the Act;

“unit” means 3.6 megajoules.

- (2) For the purposes of these regulations a supply of gas is for residential purposes if the gas —
 - (a) is supplied to —
 - (i) a dwelling; or
 - (ii) a place, other than a dwelling, to which the supply of gas is separately metered;
 - and
 - (b) is solely for residential use.

5. Supplier to have at least one capped tariff

- (1) A supplier intending to supply gas in an area referred to in regulation 3(a), (b), or (c) is required to have at least one capped tariff for any supply of gas in that area.
- (2) In subregulation (1) —
“capped tariff” means a tariff under which the charge for a supply of gas in any period for which a charge is calculated under the tariff cannot exceed the charge for that supply that would be calculated and, where applicable, adjusted under Schedule 1.

[Regulation 5 amended in Gazette 18 Oct 2002 p. 5224.]

6. Gas to be offered under standard contract at capped tariff

[(1) repealed]

- (2) A supplier is required to offer to supply gas to each of its existing standard contract customers under the terms of the customer’s existing contract but at a capped tariff unless the existing contract already entitles the customer to be supplied at a capped tariff.
- (3) In subregulation (2) —
“existing standard contract customer” means a small use customer who is supplied with gas under a contract that, under section 25(1) of the *Gas Corporation (Business Disposal) Act 1999*, the customer is to be regarded as having entered into.
- (4) When offering to supply gas to a new customer, a supplier is to offer to supply gas under an approved contract but at a capped tariff.
- (5) In subregulation (4) —
“approved contract” means —
 - (a) a contract in a form approved under section 26(2)(c) of the Act by the Coordinator; or

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(b) a contract the terms and conditions of which are specified in a trading licence;

“**new customer**” means a small use customer to whom a supplier offers to supply gas for the supply of which the customer does not already have a contract.

(6) This regulation does not prevent the supplier and customer from agreeing to charges or other terms and conditions that are different from those required by this regulation to be offered.

[Regulation 6 amended in Gazette 18 Oct 2002 p. 5224.]

7. Calculation of amounts

(1) In calculating an amount under Schedule 1, an amount calculated by reference to a rate expressed in cents per unit or cents per day is to be rounded to the nearest one hundredth of one cent except if it falls halfway between 2 consecutive one hundredths of one cent, in which case it is to be rounded to the nearest even one hundredth of one cent.

(2) In calculating a charge for the supply of gas, an amount that is not a whole number multiple of 5 cents is to be rounded to the nearest whole number multiple of 5 cents except if it falls halfway between 2 consecutive whole number multiples of 5 cents, in which case it is to be rounded to the nearest even whole number multiple of 5 cents.

8. Minister to carry out review

(1) The Minister is to carry out a review of the operation and effectiveness of these regulations within 5 years after the commencement of the *Energy Coordination (Gas Tariffs) Amendment Regulations 2002*.

(2) In the course of the review the Minister is to consider the need for the continuation of these regulations, having regard to —
(a) the importance of competition in gas industry markets;

- (b) the interests of gas customers generally or of a class of gas customers;
 - (c) the legitimate business interests of the holders of trading licences;
 - (d) the effectiveness of the regulations in achieving appropriate consumer protection outcomes; and
 - (e) any other matter that the Minister considers relevant.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, is to cause it to be laid before each House of Parliament.

[Regulation 8 amended in Gazette 18 Oct 2002 p. 5224.]

Schedule 1 — Tariff caps

[r. 5(2)]

Part 1 — Mid-West/South-West area

1. Residential tariff

Under this Schedule a charge for the supply of gas for residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of residential tariff

Fixed component	9.68 cents per day
Usage component	6.85 cents per unit for the first L units per day 4.44 cents per unit for the next M units per day 3.26 cents per unit for all additional units per day where — for a single dwelling supplied through a separately metered supply point — L = 12 M = 24 for multiple dwellings supplied through a commonly metered supply point — L = 12 + [(F-1) × 5] M = 24 + [(F-1) × 5] F = the number of dwellings

2. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of non-residential tariff

Fixed component	<ul style="list-style-type: none"> • 9.68 cents per day
Usage component	<ul style="list-style-type: none"> • 7.08 cents per unit for the first 100 units per day • 5.64 cents per unit for all additional units per day

Part 2 — Albany area**3. Residential tariff**

Under this Schedule a charge for the supply of gas for residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of residential tariff

Fixed component	<p>(a) for premises other than those described in paragraph (b), 10.15 cents per day;</p> <p>(b) for multiple dwellings supplied through a commonly metered supply point —</p> <ul style="list-style-type: none"> • 10.15 cents per day for the first dwelling; • 5.07 cents per day for each additional dwelling.
Usage component	<ul style="list-style-type: none"> • 7.40 cents per unit for the first 100 units per day • 6.19 cents per unit for all additional units per day

4. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Schedule 1 Tariff caps

Rates for components of non-residential tariff

Fixed component	<ul style="list-style-type: none"> • 10.15 cents per day
Usage component	<ul style="list-style-type: none"> • 7.40 cents per unit for the first 100 units per day • 6.19 cents per unit for all additional units per day

Part 3 — Kalgoorlie-Boulder area

5. Residential tariff

Under this Schedule a charge for the supply of gas for residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of residential tariff

Fixed component	<ul style="list-style-type: none"> • 21.74 cents per day
Usage component	<ul style="list-style-type: none"> • 6.04 cents per unit

6. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of non-residential tariff

Fixed component	<ul style="list-style-type: none"> • 21.74 cents per day
Usage component	<ul style="list-style-type: none"> • 5.38 cents per unit

Part 4 — Adjustment of certain tariff caps

7. Meaning of “CPI number”

In this Part —

“CPI number” means —

- (a) the Consumer Price Index, All Groups index number, weighted average for 8 capital cities, calculated and published by the Australian Statistician; or
- (b) if there is no number as described in paragraph (a), a corresponding index number calculated and published by a person appointed by the Coordinator.

8. Adjustment of rates generally for 2003/04 financial year and thereafter

- (1) This clause applies to the calculation of the fixed component or the usage component (other than the usage component to which clause 9 applies) of a charge under this Schedule for the supply of gas in the 2003/04 financial year or a subsequent financial year (in this clause called “**the relevant year**”).
- (2) If the CPI number for the quarter ending on the last 31 March before the beginning of the relevant year (“**CPI_r**”) is more than the CPI number for the quarter ending on the 31 March that was a year earlier (“**CPI_{r-1}**”), instead of using the number of cents per day or cents per unit shown in the relevant Table the number to be used for the relevant year is derived from the formula —

$$R_n = R_{n-1} \times \left(\frac{CPI_r}{CPI_{r-1}} \right)$$

where —

- R_n is the number of cents per day or cents per unit for the relevant year;
- R_{n-1} is the number of cents per day or cents per unit that applied under this Schedule immediately before the relevant year began.
- (3) If CPI_r is not more than CPI_{r-1} , the number of cents per day or cents per unit to be used for the relevant year is the number that applied under this Schedule immediately before the relevant year began.

9. Special adjustment for residential tariffs in Mid West/South West Area

- (1) This clause applies to the calculation of the third usage component (“**the relevant component**”) of a charge under this Schedule for the

Schedule 1 Tariff caps

supply of gas for residential purposes in the Mid West/South West area in the 2003/04 financial year or a subsequent financial year (in this clause called “**the relevant year**”).

- (2) If the CPI number for the quarter ending on the last 31 March before the beginning of the relevant year (“**CPI_r**”) is not at least 2% less than the CPI number for the quarter ending on the March that was a year earlier (“**CPI_{r-1}**”), instead of using the number of cents per unit shown in the relevant Table the number to be used for the relevant component for the relevant year is derived from the formula —

$$R_n = R_{n-1} \times \left(\frac{\text{CPI}_r}{\text{CPI}_{r-1}} + 0.02 \right)$$

where —

R_n is the number of cents per unit for the relevant year;

R_{n-1} is the number of cents per unit that applied under this Schedule for the relevant component immediately before the relevant year began.

- (3) If CPI_r is at least 2% less than CPI_{r-1} , the number of cents per unit to be used for the relevant year is the number that applied under this Schedule for the relevant component immediately before the relevant year began.

[Schedule 1 amended in Gazette 18 Oct 2002 p. 5224-6.]

Notes

¹ This is a compilation of the *Energy Coordination (Gas Tariffs) Regulations 2000* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement	Miscellaneous
<i>Energy Coordination (Gas Tariffs) Regulations 2000</i>	28 Jun 2000 p. 3300-12	2 Jul 2000 (see r. 2 and <i>Gazette</i> 28 Jun 2000 p. 3285)	
<i>Energy Coordination (Gas Tariffs) Amendment Regulations 2002</i>	18 Oct 2002 p. 5223-6	18 Oct 2002 (see r. 2)	